GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TR&B Department – Filing a defamation suit on the Management of Andhra Jyoti newspaper regarding baseless allegations on Government in introduction of electrical buses in APSRTC in the News item published in Andhrajyothi Telugu daily news paper dated 26.09.2019 under the caption "RTC lo Electric shock"- Sanction of State Government to launch Prosecution under Section 199(2) of CrPC and to file defamation suit – Orders - Issued.

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TRANSPORT, ROADS AND BUILDINGS (TR.II) DEPARTMENT

G.O.Rt.No.166 **Dt.30.06.2022.**

Read the following:

1. News Item published in Andhra Jyothi daily dt.26.09.2019 under caption "RTC LO ELECTRIC SHOCK".
2. Rejoinder Dt.26.09.2019 of Prl. Secy., to Government, TR&B Dept., GoAP.
3. News Item published in Andhra Jyothi daily Dt.27.09.2019.
4. G.O.Rt.No.938, GA (Poll.D) Dept., dated 20.02.2007.
5. G.O.Rt.No. 2430, GA (I&PR) Dept., dated 30.10.2019.
6. Letter No. TRB01-TRNS/82/2019-TRP-II, dated :07/11/2019 to the Public Prosecutor, High Court of AP
7. Notice Dt.06.12.2019 given by the State Public Prosecutor, High Court of AP, Amaravati, Guntur Dist., AP.
8. Reply dt.24.12.2019 of Sri K. Venkata Ramana, Advocate for Editor & MD of Andhra Jyothi Daily.
9. From the Additional Public Prosecutor, State of A.P., High Court of AP at Amaravathi Lr.Nil, Dt.26.04.2022.

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ORDER:

In the 1st read above, a News item has been published in Andhrajyothi Telugu daily news paper dated 26.09.2019 under the caption "RTC lo Electric shock" making the following accusations on the Government:

- The Managing Director Sri Surendra Babu did not agree to pay @ Rs 60/- per Km towards hire charges and informed the agencies that APSRTC will pay only @ 36/- per Km as being paid in Telangana.
- Since the suggestions made were not considered, Sri Surendra Babu was transferred without giving any postings.
- MD was transferred a day before the pre-bid meeting of electric bus induction plan and Sri Krishna Babu was given full additional charge of the MD of APSRTC.
- Transfer of Sri Surendra Babu led to lot of discussions among various sections of RTC and Government.

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- The vehicle manufacturers have proposed a minimum rate of Rs 60/- per km before the management of APSRTC. MD of APSRTC clarified to the firms that they have to participate in tenders and who so ever quotes L1 price will be awarded the tender.
- A few firms are making efforts to get the tenders in their favour under Gross Cost Contract model quoting Rs 60/- per km under the condition to avail the subsidy from Government of India.
- One key person of Hyderabad who played a key role in a scam is responsible in getting Sri Surendra Babu transferred involving the government.
- They thought that while Sri Surendra Babu is acting as MD, RTC, they may not get the tenders decided in their favour.

2. Based on the above accusations, in the rejoinder 2nd read above, the Prl. Secretary(TR&B) have issued the following clarifications on the subject matter of induction of electric buses in APSRTC on Gross Cost Contract model :

i. In order to promote manufacturing of electric and hybrid vehicle technology and to ensure sustainable growth of the same, Govt. of India has announced an outlay of Rs.1000 Crs. for phase II of Faster Adoption and Manufacturing of Hybrid and Electric Vehicles (FAME –II Scheme) to boost electric mobility and increase the number of electric vehicles in commercial fleet.

ii. In order to take advantage of above scheme of Govt. of India, APSRTC has conducted Consultation meet as a part of Expression of Interest (EOI) on 19.07.2019 inviting representatives from electric vehicle manufacturers, charging infrastructure firms, consultants, technical representatives of Government of India, Government of Andhra Pradesh and research institutes like Central Institute of Road Transport.

iii. About 40 representatives of various sections have participated in the consultation meet and contributed a lot for preparation of Expression of Interest (EoI), Request For Proposal (RFP) for induction of electric buses in APSRTC as directed by the Government of Andhra Pradesh.

iv. The expert committee constituted by the Government of A.P, chaired by Sri C. Anjaneya Reddy is also studying the subject matter and giving their suggestions from time to time.

v. The guidelines of NITI Aayog issued on tendering process and related matters connected to induction and operation of electric buses under FAME II scheme were also studied and incorporated in the tender document.

vi. Tenders were called inviting competitive bids for 350 buses under FAME II scheme on 11.09.2019 for inducting EVs in 4 mission cities Visakhapatnam, Kakinada, Vijayawada, and Tirupati.

vii. Pre-bid meeting is planned on 26.09.2019 to discuss on the terms of tender document involving all the prospective bidders/ consortiums. All the issues raised by the prospective bidders and the clarifications sought by them are kept in agenda for discussion in pre-bid meeting.

viii.In the pre-bid meeting held on 26.09.2019, about 27 representatives of 18 firms have participated actively and contributed their views and suggestions for incorporating the same in the revised tender document.

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ix. The entire tender process has been designed and being followed meticulously to provide equal opportunity to all the prospective bidders in an open e-bid system in a transparent way which will be followed by reverse tendering.

3. The Prl. Secretary(TR&B) in the rejoinder dt.26.09.2019, have also stated that, publishing the news item as published in Andhra Jyothi daily dt.26.09.2019 making baseless accusations is highly condemnable. When the tendering process is at the pre-bid level, it has drawn some baseless and imaginary conclusions about the middlemen working on the project with the support of some people to allot the bid to the firms @ Rs.60/- per km. It has chosen to publish the unverified and malicious news item as a part of an agenda to attempt to tarnish the working of the Government.

4. In view of the facts, the Editor, Andhra Jyothi paper was asked to take the above clarification as a rejoinder to the news item published in Andhra Jyothi paper containing baseless allegations on the Government and publish the clarification at same space / page giving same prominence for clarification to the general public. Whereas the concerned news paper management has not exceeded to the request in the news item published on 27.09.2019.

5. Government have, examined the matter with reference to the orders issued in the G.O. 4th and 5th read above, wherein powers have been delegated to the Secretaries of respective departments to issue rejoinders, file complaints and lodge appropriate cases, under sub section (4) of section 199 Cr.P.C., if need be, through Public Prosecutor against defamatory news items published / telecast / posted in print / electronic / social media pertaining to their respective Departments after following due procedure.

6. Accordingly, vide 6th read above, the State Public Prosecutor, High Court of Andhra Pradesh, Nelapadu, Guntur Dist., was requested to take immediate necessary action as per due procedure for initiation of defamation suit against the management of Andhra Jyothi News Paper duly obtaining the sanction of the State Government to launch prosecution under Section 199(2) of CrPC against those, who have published/ telecasted/ posted the defamatory news items in print/ electronic/ social media for each case. The State Public Prosecutor has issued a notice to the management of Andhra Jyothi News Paper (Daily), vide Notice 7th read above.

7. Sri K. Venkata Ramana, Advocate for Editor & MD of Andhra Jyothi Daily, vide his reply in the 8th read above, had stated that since his clients have published the Rejoinder Dt.27.09.2019 pursuant to the Rejoinder Dt.26.09.2019 sent by Mr. M.T. Krishna Babu, Prl. Secretary to Govt., there is no need to proceed further in the matter and requested to drop all further proceedings in the matter.

8. Government have not satisfied with the reply of the Advocate of the management of Andhra Jyothi Daily News paper and decided to file defamation suit against the MD, Publisher and Editor for whom notices are served by the Public Prosecutor, as the publisher has not published the rejoinder with the details given by the TR&B Department and has not shown any regret for publishing defamatory news item tarnishing the image of the Government.

(P.T.O)

9. The Additional Public Prosecutor, vide his letter 9th read above, has requested to get valid sanction from the State Government to launch prosecution under Section 199(2) of CrPC.

10. Government, therefore, hereby accord sanction to launch prosecution under Section 199(2) of CrPC and to file defamation suit against the Management of Andhra Jyoti newspaper regarding baseless allegations on Government in introduction of electrical buses in APSRTC in the News item published in Andhrajyothi Telugu daily news paper dated 26.09.2019 under the caption "RTC lo Electric shock".

11. The State Public Prosecutor, High Court of A.P. shall take immediate further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M T KRISHNA BABU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The State Public Prosecutor, High Court of A.P.
Copy to:
The Commissioner, Public Transport Department & E.O. Managing Director,
APSRTC, A.P., Vijayawada
The P.S to Addl. Secy., to C.M(KDR).
The P.S to Hon'ble Minister for Transport.
The P.S to C.S.
The P.S to Prl.Secy, TR&B Department.
SF/SC

// FORWARDED BY ORDER//

SECTION OFFICER